

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ARLECIA MARTIN,

Plaintiff,

v.

CITIMORTGAGE, et al.,

Defendants.

CIVIL ACTION FILE
NO. 1:10-CV-656-TWT

ORDER

This is a pro se civil action against various parties involved in the origination and servicing of the Plaintiff's mortgage. It is before the Court on the Report and Recommendation [Doc. 12] of the Magistrate Judge recommending granting the Defendants' Motions to Dismiss [Doc. 6, 7 & 10] and sua sponte dismissing the action as to the remaining Defendants. A complaint should be dismissed under Rule 12(b)(6) only where it appears that the facts alleged fail to state a "plausible" claim for relief. Ashcroft v. Iqbal, 129 S. Ct. 1937, 1949 (2009); Fed. R. Civ. P. 12(b)(6). A complaint may survive a motion to dismiss for failure to state a claim, however, even if it is "improbable" that a plaintiff would be able to prove those facts; even if the possibility of recovery is extremely "remote and unlikely." Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 556 (2007) (citations and quotations omitted). In ruling on a motion to

dismiss, the court must accept factual allegations as true and construe them in the light most favorable to the plaintiff. See Quality Foods de Centro America, S.A. v. Latin American Agribusiness Dev. Corp., S.A., 711 F.2d 989, 994-95 (11th Cir. 1983); see also Sanjuan v. American Bd. of Psychiatry and Neurology, Inc., 40 F.3d 247, 251 (7th Cir. 1994) (noting that at the pleading stage, the plaintiff “receives the benefit of imagination”). Generally, notice pleading is all that is required for a valid complaint. See Lombard's, Inc. v. Prince Mfg., Inc., 753 F.2d 974, 975 (11th Cir. 1985), cert. denied, 474 U.S. 1082 (1986). Under notice pleading, the plaintiff need only give the defendant fair notice of the plaintiff's claim and the grounds upon which it rests. See Erickson v. Pardus, 551 U.S. 89, 93 (2007) (citing Twombly, 550 U.S. at 555). For the reasons set forth in the Report and Recommendation, the Plaintiff fails to allege a plausible claim for relief. The Defendants' Motions to Dismiss [Doc. 6, 7 & 10] are GRANTED. The Complaint is DISMISSED as to the Defendant Promortgage for failure to effectuate service within the time allowed by Rule 4.

SO ORDERED, this 25 day of August, 2010.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge